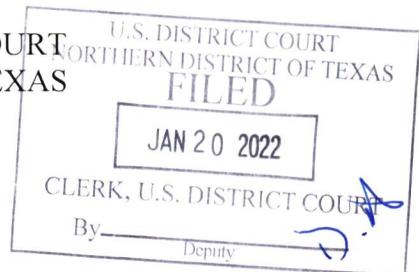


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



SUSAN NEESE, M.D., *et al.*,

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Plaintiffs,

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V.

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2:21-CV-163-Z

XAVIER BECERRA, in his official capacity
as Secretary of the
United States Department of Health
and Human Services, *et al.*,

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Defendants.

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ORDER

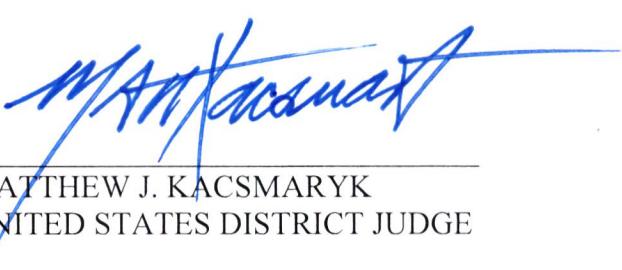
Before the Court is Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim ("Motion") (ECF No. 8) filed on November 2, 2021, in which Defendants sought to dismiss Plaintiffs' original Complaint (ECF No. 1). The Court finds that the Motion should be and is hereby **DENIED** as moot.

On November 23, 2021, Plaintiffs filed an Amended Complaint (ECF No. 11). The Amended Complaint supersedes Plaintiffs' original Complaint and "renders it of no legal effect . . ." *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (citation omitted).

On December 14, 2021, Defendants filed their Motion to Dismiss First Amended Complaint (ECF No. 16). The new Motion to Dismiss mirrors Defendants' original Motion in substance. The Court uses its discretion to apply Defendants' Amended Motion to Dismiss First Amended Complaint to Plaintiffs' Amended Complaint. Accordingly, the Court **DENIES** as moot Defendants' original Motion. *New World Int'l, Inc. v. Ford Glob. Techs., LLC*, No. 3:16-CV-1112-M, 2017 WL 1078525, at *5 (N.D. Tex. Mar. 22, 2017) (citation omitted).

SO ORDERED.

January 20, 2022.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE